IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5803 of 1999

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RAJKOT MUNICIPAL CORPORATION - Petitioner(s)

Versus

ALA ARJAN - Respondent(s)

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Appearance :

MR AK CLERK for Petitioner No(s).: 1.

MS SAROJ J DAVE for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 20/07/2005

ORAL JUDGMENT

1.0 The petitioner Corporation has challenged the award dated 31.03.1999 passed by the Labour Court, Rajkot, in Reference (LCR) no.1204 of 1985, whereby the said

reference was partly allowed.

2.0 The brief facts of the case are that the respondent herein was working as a Driver with the petitioner Corporation. It is the case of the petitioner that on 06.11.1984, the respondent who was working as a Tanker Driver gave the Tanker for driving to the Cleaner of the truck. The said incident was noticed by the Engineer of the petitioner. It is the case of the petitioner that after the said incident, the respondent did not report for duty. Subsequently, he was dismissed from the service.

2.1 Thereafter, the respondent raised a dispute before the Labour Court, Rajkot by way of a reference. The Labour Court by impugned award directed the petitioner to pay back wages @ 50 per cent during the period from 19.10.1984 to 31.05.1988, i.e. the date of his dismissal from service. Hence, this petition.

3.0 I have heard learned counsel for the parties and perused the documents placed on record. While admitting the matter on 02.09.1999, this Court by way of ad-interim relief had stayed the operation of the impugned award. On

02.11.1999, the said relief granted by this Court was confirmed, on condition that the petitioner pays an amount of Rs.5,000/- to the respondent towards back wages awarded by the Labour Court. It is stated that pursuant to the aforesaid order, the said payment has been made to the respondent.

4.0 Considering the fact that the Labour Court has awarded back wages for the period from 19.10.1984 to 31.05.1988 and since the majority part of the back wages is already paid pursuant to the order of this Court, I am of the opinion that the said amount of Rs.5,000/- paid by the petitioner can be treated to be the amount towards full and final payment of back wages as awarded by the Labour Court. Moreover, Letters Patent Appeal preferred against the order dated 02.11.1999 also came to be dismissed.

5.0 In above view of the matter, it is observed that the amount of Rs.5,000/- paid by the petitioner to the respondent pursuant to the order of this Court shall be treated to be the amount towards full and final payment of back wages as awarded by the Labour Court. With the above observation, the petition stands disposed of. Rule

is made absolute to the aforesaid extent with no order as to costs.

(K. S. JHAVERI, J.)

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